

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

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10:02  
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1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
(Check one or more)  Point of Diversion  
 Use Made of Water

File No. 17190

2. Name of applicant: Brit Schroeder

Address: 26032 SW L Rd

City, State and Zip: Jetmore, KS 67854

Phone Number: (620)357-5156 E-mail address: britschroeder@msn.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Richard W Schroeder

Address: 27733 SW L Rd

City, State and Zip: Jetmore KS 67854-5570

Phone Number: (620)357-4295 E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): The proposed change will move quantity from the east well to the west well authorized by File No. 17190. In addition, the location of the west well will be better described based on GPS coordinates. There will not be a new well proposed under the change application.

The change(s) (will be) completed by upon approval of application

(Date)

**For Office Use Only:**

F.O. 2 GMD 3 Meets K.A.R. 5-5-1 (YES) (NO) Use IRR Source G/S County HG By AW Date 7/27/17  
Code COT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 7/27/17 Check # 7252

7/28/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: Richard W Schroeder

ADDRESS: 27733 SW L Road, Jetmore KS 67854-5570

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	23S	24W													11	36	8		55

List any other water rights that cover this place of use. None

Owner of Land — NAME: ---

ADDRESS: ---

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. ---

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No Change

ADDRESS: ---

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. ---

Owner of Land — NAME: ---

ADDRESS: ---

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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List any other water rights that cover this place of use. ---

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

6. The presently authorized point(s) of diversion are two well with diversion works  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) no change  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 23 South, Range 24 W, in Hodgeman County, Kansas, 2340 feet North 1640 feet West of Southeast corner of section.  
 Authorized Rate 50 GPM Authorized Quantity 14 AF  
 (DWR use only: Computer ID No. 4 GPS 2329 feet North 1774 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 10, Township 23 South, Range 24 W, in Hodgeman County, Kansas, 2329 feet North 1774 feet West of Southeast corner of section.  
 Proposed Rate 50 GPM Proposed Quantity 28 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NE Quarter of the SE Quarter of Section 10, Township 23 South, Range 24 W, in Hodgeman County, Kansas, 2289 feet North 1161 feet West of Southeast corner of section.  
 Authorized Rate 180 GPM Authorized Quantity 49 AF  
 (DWR use only: Computer ID No. 5 GPS 2289 feet North 1161 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NW Quarter of the NE Quarter of the SE Quarter of Section 10, Township 23 South, Range 24 W, in Hodgeman County, Kansas, 2289 feet North 1161 feet West of Southeast corner of section.  
 Proposed Rate 180 GPM Proposed Quantity 35 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for Irrigation purposes.  
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

N/A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Both wells are authorized by File No. 17190 and produce out of the same local source of supply. While quantity is being moved closer to the nearby stream, the quantity being moved is small and the rate of diversion is not being increased.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

The proposed quantity move will likely decrease the distance between the alluvial well and the centerline of the stream by more than 10 percent. However, this well is part of the same place of use and is owned and operated by the applicant. A waiver of K.A.R. 5-5-13 is requested.

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Wichita, Kansas, this 21 day of July, 2017.

Richard Schroeder  
(Owner)

Elizabeth Schroeder  
(Spouse)

Richard Schroeder  
(Please Print)

Elizabeth Schroeder  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

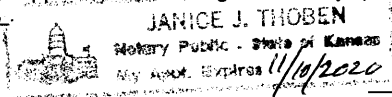
(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Wichita } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21<sup>st</sup> day of July, 2017.



Janice J. Thoben  
Notary Public

My Commission Expires 11/10/2020

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

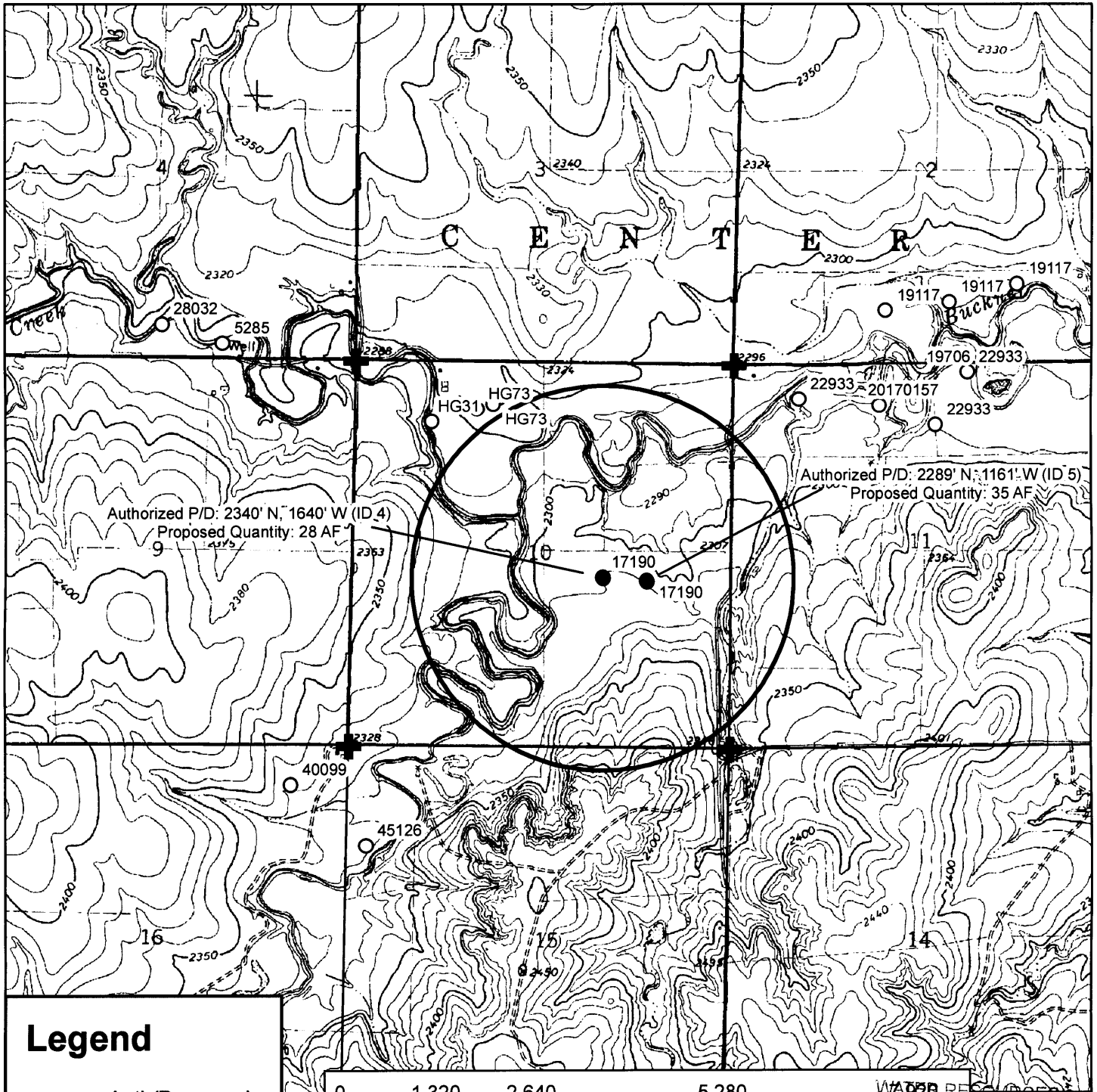
- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

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**Legend**

- Auth/Proposed P/D
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ☆ Domestic Well
- ◻ 1/2 Mile Buffer



**Water Right, File No. 17,190**

Change in Point of Diversion Application Map  
 Moving Quantity Only

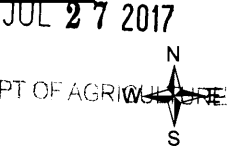
10-23S-24W // Hodgeman County

To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

*Richard Schube*

Signature

7/13/2017 TJS-SFFO 1:24,000 scale



**SIGN  
HERE**

**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 14, 2017

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Brit Schroeder  
26032 SW L RD  
Jetmore KS 67854

RE: Water Right, File No(s). 17,190

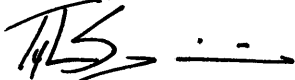
Dear Mr. Schroeder,

You will find enclosed with this letter an application for approval to change the place of use under Water Right, File No(s). 17,190. The application was written with the intent of moving 14 AF from the east well to the west well authorized by File No. 17,190.

Please review the application and associated maps carefully and make any corrections as needed. Once you are satisfied everything is correct, an authorized representative of all owners and spouses of record must sign the application and have their signatures notarized. In addition, all domestic wells within one-half mile of the authorized well locations need to be noted on the map. If there are any wells not shown, please add them and then sign the map.

The fee for filing the enclosed application is \$200. Please return the signed application to the Manhattan Office and include a check made payable to the Kansas Department of Agriculture for the total amount. If I can be of any further assistance, or if you have any questions regarding the enclosed application, contact our office at (620)234-5311.

Sincerely,



Tyler Saryerwinnie  
Environmental Scientist  
[tyler.saryerwinnie@ks.gov](mailto:tyler.saryerwinnie@ks.gov)

Enclosures    Change Application



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

BRIT SCHROEDER  
26032 SW L RD  
JETMORE, KS 67854

7/28/2017

**FILE COPY**

RE: File No 17190

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

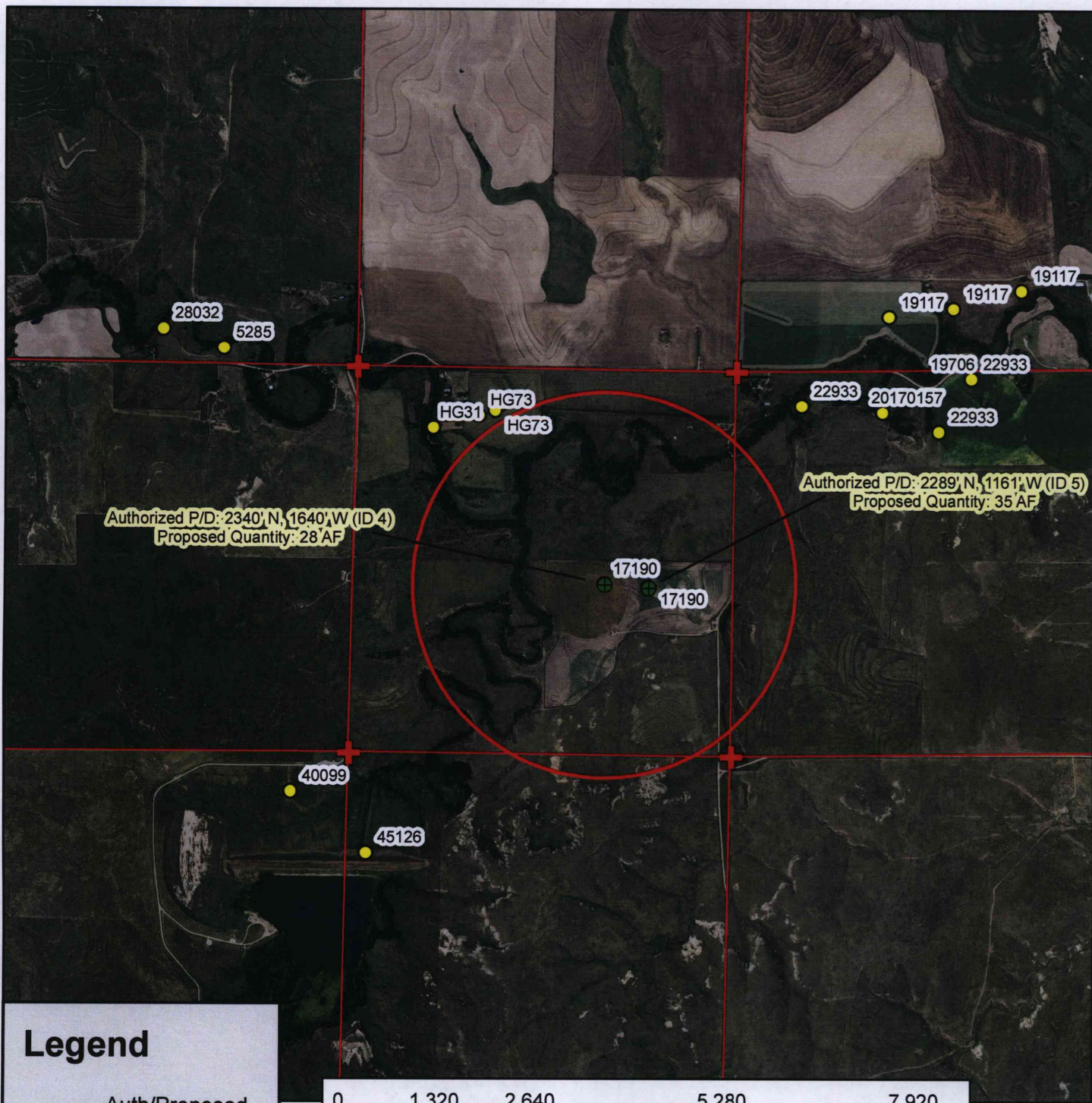
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program




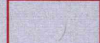


BAT: DLW  
pc: STAFFORD Field Office GMD

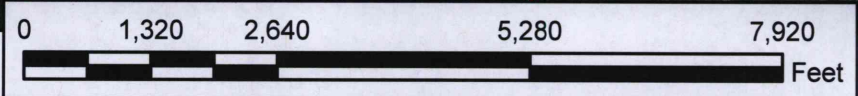


Authorized P/D: 2340', N, 1640', W (ID 4)  
Proposed Quantity: 28 AF

Authorized P/D: 2289', N, 1161', W (ID 5)  
Proposed Quantity: 35 AF

### Legend

-  Auth/Proposed P/D
-  Water Appropriations
-  Section Corner
-  Section Line
-  Domestic Well
-  1/2 Mile Buffer



**Water Right, File No. 17,190**  
Change in Point of Diversion Aerial Map  
Moving Quantity Only  
10-23S-24W // Hodgeman County

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